

HAMILTON COUNTY BOARD OF COMMISSIONERS
AUGUST 27, 2007

The Hamilton County Board of Commissioners met on Monday, August 27, 2007 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A for Executive Session. President Dillinger called the public meeting to order at 1:12 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

Approval of Minutes

Altman motioned to approve the minutes of August 13, 2007. Holt seconded. Altman and Holt approved.

Dillinger abstained. Motion carried.

Executive Session Memoranda

Altman motioned to approve the Executive Session Memoranda of August 27, 2007. Holt seconded. Motion carried unanimously.

Bid Openings [1:13]

Highway Vehicles

Mr. Michael Howard opened the bids for two (2) pick-up trucks. HC Bid Form 06/03, Non-Collusion Affidavit, Bid Bond and Financial Statement were included unless otherwise noted. (1) Andy Mohr, Plainfield - \$25,198 each. (2) Dan Young Tipton - \$27,088 each. (3) Don Hinds Ford - \$25,096 each, \$50,192 for two. (4) Eriks Chevrolet - \$28,518 each. (5) Pearson Ford - \$25,961 each, \$51,922 for two. A cashier's check in the amount of \$5,192 was submitted in lieu of bid bond. (6) Wyatt Ford - \$24,324 each, \$48,648 for two. Howard recommended the bids be referred to the highway department for review and recommendation at the next meeting. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Howard opened the bids for two (2) 4X4 Utility Vehicles. HC Bid Form 06/03, Non-Collusion Affidavit, Bid Bond and Financial Statement were included unless otherwise noted. (1) Andy Mohr, Plainfield - \$25,162 each. (2) Don Hinds Ford - \$24,920 each. (3) Pearson Ford - \$53,046.06 for two. A cashier's check in the amount of \$5,403.61 was submitted in lieu of bid bond. (4) Wyatt Ford - \$24,874 each. Howard recommended the bids be referred to the highway department for review and recommendation at the next meeting. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Bridge #171, Prairie Baptist Road over Sand Creek

Howard opened the bids for replacement of Bridge #171, Prairie Baptist Road over Sand Creek. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement, and Acknowledgement of Addendum No. 1 were included unless otherwise noted. (1) Erber & Milligan - \$371,822.50. (2) American Contracting - \$507,324. (3) George R. Harvey & Son - \$425,800. (4) Duncan Robertson - \$370,336. (5) Padgett Construction - \$432,343. Howard recommended referring the bids to the highway department for review and recommendation later today. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Lubavitch of Indiana Variance of Right of Way Standards [1:25]

Mr. Dennis Lockwood, Lockwood Design Associates, LLC, representing Lubavitch of Indiana, stated they are requesting a variance of right of way of the property located at 2640 West 96th Street in Clay Township from 75 feet to 60 feet from centerline of 96th Street. Mr. Jim Neal stated Carmel's current requirement is 50 feet, the county's is 75 feet; 60 feet is in between and fits everything on both sides. There are no objections from the highway department. Altman motioned to approve the requested variance. Holt seconded. Holt asked if we are coming that far east on the 96th Street improvements? Neal stated at this point, no. This is on Towne Road, it is not near an intersection. Holt asked what is a half west of Shelborne? Neal stated it is more than 60 feet, we are shifting the alignment at that location. Motion carried unanimously.

Highway Business [1:28]

Acceptance of Bonds/Letters of Credit – Highway Department

Neal requested the acceptance of Bonds and Letters of Credit for the highway department. (1) HCHD #B-07-0028 – Bond Safeguard Insurance Company Subdivision Bond No. 5028582 issued on behalf of East Carmel, LLC in the sum of \$73,000 for The Legacy Master Infrastructure Phase I – 146th Street Improvements – turn lanes and drainage to expire August 8, 2008. (2) HCHD #B-07-0029 – Bond Safeguard Insurance Company Subdivision Bond No. 5028581 issued on behalf of East Carmel, LLC in the sum of \$10,000 for The Legacy Master Infrastructure Phase I construction entrance to expire August 8, 2008. (3) HCHD #B-07-0030 – Continental Casualty Company Performance and Payment Bonds issued on behalf of E&B Paving, Inc. in the sum of \$798,242.61 for Resurface Contract 07-2 to expire August 17, 2009. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Agreements/Supplements

Fall Road Culvert Utility Agreement

Neal requested approval of a Non-reimbursable Utility Agreement, HCHD #M-07-0023, with Duke Energy for the Fall Road Culvert Replacement project. Altman asked if our standard form includes whoever is signing the agreement for the utility represents they are an authorized signatory and combine the company? Neal stated he does not believe it does. Altman asked if we keep a list of authorized signatures, it would probably be easier to put it in the document. Neal stated typically the project coordinators sign these agreements. Altman suggested adding a paragraph at the end of our agreements, where they would see it. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Bridge #57 Supplemental Agreement No.1

Neal requested approval of Supplemental Agreement No. 1, HCHD #E-07-0001, with Beam, Longest and Neff, LLC for Bridge #57, 256th Street over Cicero Creek. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Small Structure No. 33010, 246th Street over Sugar Run

Neal requested approval of Engineering Agreement, HCHD #E-07-0007, with Clark Dietz, Inc. (Farrar Garvey Division) for replacement of Small Structure No. 33010, 246th Street over Sugar Run. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Crooked Stick Neighborhood Association Agreement

Neal requested approval of a Statement of Agreement and Liability, HCHD #M-07-0021, with Crooked Stick Neighborhood Association for decorative signs within a subdivision. Holt motioned to approve. Altman seconded. Motion carried unanimously.

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Windemere Homeowners Association

Neal requested approval of a Statement of Agreement and Liability, HCHD #M-07-0027, with Windemere Homeowners Association for decorative signs within a subdivision. Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Official Action

236th Street

Neal requested approval of an official action to install regulatory signs on 236th Street in Jackson Township. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Proposed Road Closure

Overdorf Road

Neal requested permission to close Overdorf Road between 246th Street and 256th Street beginning on or after Tuesday, September 4, 2007 for a period of four (4) days for large pipe replacement for Resurface Contract 07-2. The school corporation has been contacted and there are no homes on this stretch of road. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Bid Award [1:50]

117th Street & Olio Road Excess Property

Neal requested acceptance of the bid from Thompson Thrift for the purchase of excess property on 117th Street and Olio Road. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Highway Auction

Mr. Brad Davis requested permission to hold the annual highway auction for sale of excess equipment. The auction will be held October 20 at the Hamilton County 4-H Grounds and approve Larry Baker as the auctioneer. The list will be sent to all county departments. Holt motioned to approve both requests. Altman seconded. Motion carried unanimously.

Highway Meeting

Davis reminded the Commissioners of the meeting on Friday, August 31 at 7:30 a.m. at the highway department.

Dead Animals

Altman asked if it would be better to have a contract with a rendering company to pick up dead animals on the county roads? There was some confusion where a deer was hit late Friday but the highway department did not want to call anyone out to have it removed. Altman stated that is not good policy for the county. Davis stated if they are not on the road they will be picked up the next business day, if they are on the road the highway department will go out and pick them up. Holt asked if one person can do that? Davis stated usually two people; it depends on what it is. Altman stated she would feel more comfortable if the person on call go out and get it. Dillinger agreed. Altman stated we could have a contract with a rendering company to pick it up and dispose of it. Davis stated they will check on it, is it the commissioners' directive that we pick them up as they come in rather than the next business day? Altman stated she would personally feel more comfortable with that. Discussion followed. Holt suggested Davis talk to the Humane Society about using their freezer.

Speed Signs

Dillinger stated he has asked the highway department to check into a permanent electronic "Your Speed Is..." on the signs. He saw them during his trip out west. Dillinger stated this is something we could offer to the homeowners associations and they would pay for it. The cost is \$5,130 each for four or more units. They can be battery operated but electricity is recommended. Altman asked if it would have the same impact in a residential area where they drive by it everyday? Dillinger stated he does not know that, your tendency would be to slow down.

ISSD

Travel Request [1:45]

Ms. BJ Casali requested permission for Jeremy Hunt to travel to Flint, Michigan to participate in an advisory group meeting with New World Systems, which is the computer dispatch software for the Sheriff's office. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Text Messaging Package

Casali requested approval to provide the text messaging package to Michael Carter, Chris Kuner, and Zack SeRine, the ISS network group. There was an issue in the computer room with the temperature going too high. The system has been set up to notify these individuals by E-mail. Holt motioned to approve. Altman seconded. Motion carried unanimously. Casali thanked Buildings and Grounds, especially Kevin Sloderback, for their help with the problem. The problem has been resolved.

Permanent Drainage Easement and Temporary Construction Easement

Mr. Kenton Ward requested approval of the Permanent Drainage Easement and Temporary Construction Easement from Kahlil Barnard and Kristina Sturwold for the Cumberland Road Arm to Sand Creek. The drainage board has accepted the easements. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Bid Award

Bridge #171

Neal requested the bid for replacement of Bridge #171, Prairie Baptist Road over Sand Creek be awarded to Duncan Robertson, Inc. in the amount of \$370,336. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Community Corrections, Phase II

Mr. John Barbee stated the bids for the Community Corrections, Phase II site utility work and foundation work were opened on August 14, 2007 at 2:30 p.m. Form 96, Non-Collusion Affidavit, Acknowledgment of Addenda, Bid Bond, and Financial Statements were included unless otherwise specified. Bid Package No. 1 – Site Utility Work bids were received from (1) Campbell's Excavating, Inc. in the amount of \$283,899. (2) MacDougall Pierce Construction, Inc. - \$299,351. Bid Package No. 2 – Foundation Work bids were received from: (1) MacDougall Pierce Construction, Inc. - \$372,000. (2) Gibraltar Construction Corporation - \$368,700. (3) Weigand Construction Company, Inc. - \$459,916. (4) J.C. Ripberger Construction, Inc. - \$399,000. (5) W.R. Dunkin & Son, Inc. - \$445,000. (6) Verkler, Inc.- \$365,000. Barbee recommended the bids be awarded as follows: Site Utility Work to Campbell's Excavating, Inc., Foundation work to Verkler, Inc., and material testing work to Alt & Witzig, Inc. Holt motioned to approve. Altman seconded. Motion carried unanimously.

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First Indiana Bank Building

Altman stated she would like to have a unit per square foot cost on the repairs needed for the First Indiana Bank building to present to council to say if we keep the building we have this much usable square footage for the next five years. She would like to have the data available and if they decide to knock it down use it for parking or we have usable space. Holt stated he concurs with Altman; as good stewards of the tax dollar and with our cramped space needs the council needs to be aware of the ramifications with the qualifier they put on with that acquisition. Altman stated Barbee's numbers included the square footage on the top level, she views the bottom as bonus. Barbee looked at a true cost recoupment analysis, but it would cost +/- \$500,000 for the retrofit and over a five year period on a normal building it does not make sense, but if it stays our space needs for the next five years it may be a decent investment given the square footage picked up because they just got hit with what the cost per square foot to rent space is. We need to look at it and it may not make sense to do it. Holt stated the other wildcard is, is it really a five year hold? If it is a 10 year hold, it would be a no brainer. Dillinger asked Barbee to get this information to the commissioners for the September 5 council meeting. Barbee stated there are no interior costs, no IT costs or environmental study included in the estimates. Altman stated the IT cost would be the same if we would rent any other space downtown. Dillinger asked if Holt and Altman would agree that if council holds to their position can we proceed with knocking down the building? Holt stated he does not want to vote on it today, we have a meeting right after the council meeting. Dillinger stated if we are not going to remodel it, would you not agree we should tear it down for more parking space? Holt stated he does not want to vote on it today. Dillinger stated he is asking it to not be drawn out for three or four months. Holt stated he does not have a problem with that.

Commissioner Committee Reports [1:59:05]

CIRTA Budget

Altman stated as President of the Regional Transportation on behalf of CIRTA she is speaking to the Indianapolis Marion County Council in favor of the CIRTA budget, which runs through their budget. Altman stated she will make her presentation brief basically stating that we support transportation, transit initiatives, and regional cooperation whenever possible; Altman asked if her fellow commissioners have a problem with that statement? Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Indiana Economic Development Seminar

Dillinger stated there will be an Indiana Economic Development Seminar on October 6 in Zionsville with speakers on the local factor on economic development on equestrian activities. Dillinger stated he believes someone from 4-H, parks, and tourism should attend. The pamphlet states it is a \$1.1 billion economic development boost to the economy and the horse population in Indiana has increased from 160,000 in 2001 to 203,000 in 2005. Holt motioned to make Commissioner Dillinger our equine representative. Altman seconded. Motion carried unanimously.

Attorney [2:02]

Community Corrections Project Contracts

Howard requested approval of contracts for the Community Corrections Project Phase I for Alt & Witzig, Inc. and Odle, Inc.; Retainage Escrow Agreement for C&T Design and Equipment, and Substantial Completion Certificate for Construction Systems, Inc. Holt motioned to approve. Altman seconded. Motion carried unanimously.

EC Holdings Property

Howard requested approval of the Grant of Right of Way from EC Holdings, Inc. for Coverdale Court on the community corrections project. Altman motioned to approve. Dillinger seconded. Holt abstained. Motion carried.

Howard requested approval of a Covenant and Agreement to Divide Maintenance Expenses with EC Holdings, Inc., for the pond located at 18000 Cumberland Road. Altman motioned to approve. Dillinger seconded. Holt abstained. Motion carried.

Noblesville Housing Authority

Altman stated at the last meeting she had a question regarding the amount of money going through the Noblesville Housing Authority for the Community Development Block Grant; Altman asked for a determination if the housing authority should be providing audited statements of their account given other not for profits have to provide financial reports. Altman has asked Mr. McConaghy to provide the information but she has not heard back from him. Howard stated he will speak with Troy Halsell.

Administrative Assistant [2:10]

Relocation of Safety Risk Manager and Weights & Measures

Mr. Fred Swift stated at the last meeting it was approved to relocate the Safety Risk Manager and Weights & Measures. Swift stated we have enough furniture for the relocation. Holt motioned to approve. Altman seconded. Motion

Auditor's Space Need

Swift stated the Auditor will be getting an additional employee and has requested installation of glass doors in order to use the alcove on the lower level of the historic courthouse for file cabinet storage. Holt stated he opposes the glass doors and asked Swift to find an alternative location.

Riverwalk Utility Relocation

Swift requested approval of the agreement with Vectren for relocation of utilities for the Riverwalk. The jurisdiction name has been corrected and funding has been approved. Altman motioned to remove it from the table. Holt seconded. Motion carried unanimously. Altman motioned to approve the utility relocation as amended with the appropriate jurisdiction. Holt seconded. Motion carried unanimously.

Clay Regional Waste District Wage Determination Committee

Swift stated the Carmel Regional Waste District has requested an appointment to a Wage Determination Committee. Holt motioned to appoint Bill or Jane Merrill. Altman seconded. Motion carried unanimously.

Cicero Wage Determination Committee

Swift stated the Town of Cicero has requested an appointment to a Wage Determination Committee. Holt motioned to appoint Michael Murphy. Altman seconded. Motion carried unanimously.

Cicero Plan Commission

Dillinger stated the Town of Cicero has requested a one-year extension on the termination of planning services for Cicero. Dillinger motioned to approve through 2008. Holt seconded. Motion carried unanimously.

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Plan Commission Truck

Swift stated the plan commission has requested their pick up truck be declared as surplus and included in the highway department auction. Holt asked that a notice be circulated to the Health Department, Parks, EMA, and Surveyor asking if they have any surplus vehicles that they want to be disposed of at the highway auction.

Employees Delinquent Property Taxes

Swift requested a deadline for payment of delinquent property taxes owed by county employees. Holt motioned to use October 1 as the deadline. Altman seconded. Motion carried unanimously.

First Indiana Bank Parking

Swift asked if the discussion of the parking at the First Indiana Bank building should be held until after the discussion with the council? Holt motioned to table. Altman seconded. Motion carried unanimously.

Veteran Service Funding for Vietnam Wall

Swift stated Wayne Long, Hamilton County Veteran Services Officer, has requested permission to donate \$1,000 for the moving Vietnam Wall Memorial. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Courthouse Square Holiday Lights

Swift stated the City of Noblesville has asked if the county would like to contribute \$3,000 towards the upgrade of the holiday lighting of the courthouse square. Holt motioned to approve. Altman seconded. Altman asked what is the source of funding? Swift stated it will have to be a transfer within the commissioner's budget. Motion carried unanimously.

Limestone Cleaning

Dillinger stated we postponed paying for the limestone cleaning of the Judicial Center. Mr. Scott Warner stated the original authorized work was a cleaning of the limestone which was a hot water pressure wash. The cleaning did not bring out all of the darkness in the limestone. Warner stated he spoke with an engineer from Arsee Engineers and his recommendation was to move into a restoration phase and use a chemical. A test sample was done but it does not leave a clean surface. The next step is for the contractor to go up on a lift and use a scrub brush with a chemical to scrub the limestone. The reason we took the first approach was for Stormwater regulations and the possibility of damaging the plant life around the building. At this point with the procedures we have tried it will not bring all of the darkness out. Warner asked if the commissioners want to proceed with the next step; this would require it going to bid due to the cost and then find funding. Warner would like permission to pay the contractor for the work completed. He has lived up to his part of the agreement. Altman motioned to approve the contractor's claim. Holt seconded. Motion carried unanimously. Warner will explore other cleaning options.

First Indiana Bank Utilities

Warner asked if he should leave the utilities on at the First Indiana Bank? The air conditioning has been left on. Holt asked to leave the air on until this has been discussed with the council.

First Floor Women's Bathroom Partitions

Warner stated Fredericks re-worked the first floor women's bathroom partitions, it has been very successful. Altman asked if the other floors been tested? Warner stated he has asked the custodians to test all of the doors and note any other issues.

Fredericks had submitted to the ABC for an award on the cabinetry work in the hearing rooms and they won the award. Warner will be present at the award ceremony.

Auditor [2:33]

Visitors and Convention Bureau Property

Ms. Robin Mills requested acceptance of the deed for the Hamilton County Visitors and Convention Bureau property. Holt motioned to accept. Dillinger seconded. Altman abstained. Motion carried.

Capital Asset Notification Form

Mills requested approval of the Capital Asset Notification Form for the plan commission vehicle. Altman stated we still have the truck, it should be approved once it is sold.

County Treasurer's Monthly Report

Mills requested approval of the County Treasurer's Monthly Report dated July 31, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Clerk's Monthly Report

Mills requested approval of the Clerk of the Circuit Court Monthly Report dated July 31, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Mills requested acceptance of Bonds and Letters of Credit for the drainage board. (1) HCDB-2007-00042 – Stock Yards Bank & Trust Irrevocable Letter of Credit No. 167350 for Woods of Lion Creek monuments and markers - \$5,040. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Payroll Claims

Mills requested approval of Payroll Claims for the period of July 30 to August 12, paid August 24, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Vendor Claims

Mills requested approval of Vendor Claims to be paid August 28, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Holt motioned to adjourn. Altman seconded. Motion carried unanimously.

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Commissioners Correspondence

A.B.A.T.E. of Indiana Request for Roadway Repairs:
146th Street and Allisonville Road
Hague Road and St. George Boulevard
S.R. 32 and 8th Street
S.R. 32 and Hague Road
Beam, Longest, and Neff, LLC Notice of Transmittal:
Bridge #57, 256th Street over Little Cicero Creek
Bridge #110, 186th Street over Cool Creek
IDEM Notice of Sewer Permit Application:
Britton Falls Subdivision, Area 2, Sections 3A, 3B, 3C, and 4B – Fishers
Hamilton County Corrections Complex, Phase 2 – Noblesville
Primrose Day Care Center – Fishers
Westminster at Fishers, Section 3 – Fishers
IDEM Notice of Sanitary Sewer Construction Permit Application:
Westminster at Fishers, Section 3 – Fishers
IDEM Marketing and Distribution Permit Application:
Dream Recycling, Inc.
US Army Corps of Engineers Public Notice:
Dan Spartz, Hometown Development, LLC – Noblesville

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Robin M. Mills, Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Amber Emery, Highway Public Service Representative
Dave Lucas, Highway Inspector
Joel Thurman, Highway Staff Engineer
Mark Fisher, Highway Technical Engineer
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Matt Knight, Highway Staff Engineer
Faraz Khan, Highway Department
Kathy Howard, Highway Department
Bob Davis, Highway Superintendent
Dennis Lockwood, Lubavitch of Indiana
Mark Swanson, Lubavitch of Indiana
Floyd Burroughs, FEBA
Patti Smith, Beam, Longest and Neff
Becki Wise, USI
Dave Richter, United Consulting
John Barbee, Envoy, Inc.
Larry Dawson, Envoy, Inc.
Scott Warner, Buildings & Grounds

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor